

REMARKS

I. Introduction

Claims 108-142 are pending.

The Examiner states that applicants' Reply to Office Action of October 13, 2005 (hereinafter "Prior Reply") is not fully responsive because applicants have failed to indicate i) why claims 120-142 are patentable, and ii) support for new claims 115-142 (e.g., in particular, claims 118 and 119). The Examiner further suggested that claim 119 be amended to correct its dependency.

Claim 119 has been amended as suggested by the Examiner. The Examiner's grounds for non-responsiveness are addressed below.

II. Claims 120-142 are Patentable over the Cited Art

The Examiner states that the Prior Reply is non-responsive because applicants failed to indicate why claims 120-142 are patentable.

Pursuant to 37 C.F.R. § 1.111(c), applicants must clearly point out the patentable novelty which he thinks the claims present in view of the state of the art disclosed by the references cited or the objections made.

In the Office action of April 13, 2005, the Examiner rejected all of applicants' claims using Evard et al. U.S. Patent 6,616,675 (hereinafter "Evard") as the

primary reference. In particular, applicants' independent claim was rejected using only the Evard reference.

Accordingly, applicants' Prior Reply provided the following statement of patentable novelty over Evard for claims 120-142:

Applicants submit that new independent claims 120 and 132 are patentable over Evard at least because these claims also set forth a closure device that includes first and second sets of fingers, wherein only one set of fingers is covered by a web of material between adjacent ones of the fingers. (Prior Reply, title IV, emphasis added.)

Applicants hereby supplement the foregoing statement by providing that independent claims 120 and 132 are patentably novel over the cited prior art in the present application (including Evard) at least because none of the references show or suggest a closure device that includes first and second sets of fingers, wherein only one set of fingers is covered by a web of material between adjacent ones of the fingers, as required by applicants' independent claims. Claims 121-131 and 133-142, which depend from independent claims 120 and 132, are patentable at least because independent claims 120 and 132 are patentable.

Applicants further submit that claims 120-142 are patentable over Evard, in particular, because Evard is an improper § 102(e) reference with respect to the present application (see Prior Reply, title III).

In view of the foregoing, applicants submit that a proper statement of patentable novelty under 37 C.F.R. § 1.111(c) has been provided for claims 120-142. Accordingly, the Examiner's ground for non-responsiveness is obviated.

III. Claims 115-142 are Supported by the Specification

The Examiner states that the Prior Reply is not fully responsive because applicants have failed to indicate support for new claims 115-142 (e.g., in particular, claims 118 and 119).

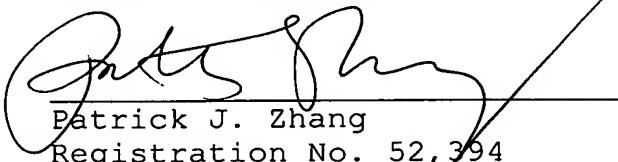
In the Prior Reply, applicants provided statements of support for new claims 115-142 in the form of citations to the specification that clearly indicate the basis of support for all of the new claims (Prior Reply, title II). With particular reference to the Examiner's contention regarding claims 118 and 119, it is clear from the Prior Reply's citation to page 13, line 24 to page 15, line 2 of applicants' specification (also see FIGS. 9-11 of applicants' specification), that the features of claims 118 and 119 are fully supported (i.e., fingers "configured to elastically deflect toward parallelism with the axis" and "configured to deflect in opposite directions and away from each other" are clearly shown in FIGS. 9-11 and the accompanying description of applicants' specification).

Moreover, applicants submit that if the Examiner finds applicants' proffered basis for claim support to be lacking, such a finding would properly support a claim rejection under the written description requirement of 35 U.S.C. § 112, first paragraph (MPEP §§ 2163(B) and 2163.01). However, applicants submit that any such finding regarding lack of support for new or amended claims is not a proper ground for finding applicants' Prior Reply non-responsive under the requirements of 37 C.F.R. § 1.111(b).

IV. Conclusion

In view of the foregoing and the Prior Reply, applicants submit that the Office action of April 13, 2005 has been fully answered. Reconsideration and allowance of this application are respectfully requested.

Respectfully submitted,


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